



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 31, 1994

Ms. Barbara M. Elliott
Assistant City Attorney
City of Galveston
P.O. Box 779
Galveston, Texas 77553-0779

OR94-532

Dear Ms. Elliott:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 27098.

The City of Galveston, (the "city") received a request for information concerning "the letter that was written about the [requestor's] appeal by the city attorney's office." You claim that the only document written by the City Attorney's Office pertaining to this particular appeal is an internal legal opinion and that such opinion is excepted from required public disclosure under section 552.111 of the Government Code.

Section 552.111 excepts "[a]n interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." In a recent opinion that reexamined the section 552.111 exception, this office concluded that section 552.111 excepts from public disclosure only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body at issue. Open Records Decision No. 615 (1993) at 5. The policymaking functions of an agency, however, do not encompass routine internal administrative and personnel matters. *Id.* Furthermore, section 552.111 does not except purely factual information from disclosure. *Id.*

You state that the city's Director of Housing & Community Services requested the opinion concerning an appellate court decision in a case in which the requestor was the appellant. You indicate that the opinion was prepared to address several issues that were

raised as a result of the appellate court decision. You further state that the internal opinion made procedural recommendations to the director regarding the opinion as it applied to the utilization of wreckers and tow trucks by the city.

We have reviewed the documents submitted to this office. We agree that the legal opinion prepared for the city's Director of Housing & Community Services does constitute an internal communication consisting of advice, recommendations, and opinions reflecting the policymaking processes of the city. Accordingly, you may withhold the entire opinion under section 552.111 of the Government Code.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with an informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Toya Cirica Cook". The signature is fluid and cursive, with the first name "Toya" being the most prominent.

Toya Cirica Cook
Assistant Attorney General
Open Government Section

TCC/KHG/rho

Ref.: ID# 27098

Enclosures: Submitted documents

cc: Ms. Donna Bosworth
2414 Scott Street
La Marque, Texas 77568
(w/o enclosures)